

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
vs. ) CAUSE NO. 1:07-cr-00012-RLY-TAB  
 )  
DANNY RAY CHAIKA, ) - 17  
Defendant. )

**REPORT AND RECOMMENDATION**

On May 1, 2023, the Court held a hearing on the Petition for Warrant or Summons for Offender under Supervised Release filed on April 24, 2023, and granted on April 25, 2023. [Dkt. Nos. 239, 240.] Defendant, Danny Ray Chaika, appeared in person with his appointed counsel, Joseph Cleary. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Phillips.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Defendant orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant admitted violation number 1. [Docket Nos. 239, 240.]
3. The allegation(s) to which Defendant admitted, as fully set forth in the petition, is:

**Violation  
Number**

**Nature of Noncompliance**

- |   |  |
|---|--|
| 1 | <b>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</b> |
|---|--|

On November 7, December 2, 2022; January 23, and April 4, 2023; Danny Chaika submitted urine samples which tested positive for amphetamine. He also submitted diluted urine samples on the following dates: December 21, 2022; January 3, 10, and March 16, 2023.

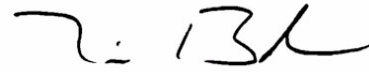
4. The parties stipulated that:
  - (a) The highest grade of violation is a Grade B violation.
  - (b) Defendant's criminal history category is V.
  - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 months to 24 months' imprisonment.

5. The parties jointly recommended a sentence of 22 months' imprisonment with no supervised release to follow. Defendant requested placement at Terre Haute, Indiana Bureau of Prisons.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 22 months' imprisonment with no supervised release to follow. The Magistrate Judge recommends placement at the Terre Haute, Indiana Bureau of Prisons. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 5/1/2023

A handwritten signature in black ink, appearing to read 'T. Baker', written over a horizontal line.

Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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